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real estate of the debtor, section 3571 makes the lien enforceable in equity, and section 3577 fixes the life of a judgment at 20 years from return day of execution issued within the year on which there is return, the creditor may enforce his lien upon real estate once owned by the debtor only while the debtor has some interest therein, and when title by adverse possession under section 2915 has been acquired by one not in privity with the debtor, the rights of the judgment creditor cease.

[Ed. Note.—For other cases, see 1 Va.-W. Va. Enc. Dig. 224.]

**20. Limitation of Actions (§ 36 (1)\*)—When Statute Is Applicable—Equity Suit.**—In a creditors' suit to subject land of its debtor to lien of its judgment, though the suit is in equity, the bar of Code 1904, § 2915, preventing recovery of land after 15 years must be applied; the effect of such a suit being to try title.

Burks, J., dissenting in part.

[Ed. Note.—For other cases, see 9 Va.-W. Va. Enc. Dig. 380.]

Appeal from Circuit Court, Montgomery County.

Bill by W. H. Pierce and others against W. D. Martin and others, administrators, in which McClanahan's administrator filed a petition, and W. J. Blair filed an amended petition, making the Norfolk & Western Railway Company and others defendants. Decree dismissing the bill as to the railway company, and the complainants appeal. Affirmed.

*Randolph Harrison*, of Lynchburg, *R. E. Scott*, of Richmond, and *H. T. Hall*, of Roanoke, for appellants.

*Roy B. Smith*, *Everett Perkins*, *L. H. Cocke*, *Staples & Cocke* and *W. W. Cox*, all of Roanoke, for appellees.

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MOOMAW et. al. v. NORFOLK & W. RY. Co. et. al.

Jan. 24, 1918.

[96 S. E. 477.]

Appeal from Circuit Court, Montgomery County.

Suit by one Moomaw and others against the Norfolk & Western Railway Company and others. From the decree rendered, Moomaw and others appeal. Affirmed.

*T. W. Miller*, *C. S. McNulty*, *M. M. Caldwell*, *Jackson & Henson*, and *H. M. Moomaw*, all of Roanoke, for appellants.

*Roy B. Smith*, *Everett Perkins*, *L. H. Cocke*, *Staples & Cocke* and *W. W. Cox*, all of Roanoke, for appellees.

Affirmed without opinion on the authority of *McClanahan's Administrator v. Norfolk & Western Railway Co. (Va.)*, 96 S. E. 453.

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\*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes